

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**PAWNEE NATION OF OKLAHOMA,  
WALTER R. ECHO-HAWK, *et al.*,**

Plaintiffs,  
v.

**DAVID BERNHARDT**, in his official capacity as Acting Secretary of the United States Department of the Interior, the **UNITED STATES BUREAU OF INDIAN AFFAIRS**, and the **UNITED STATES BUREAU OF LAND MANAGEMENT**,

Defendants.<sup>1</sup>

Case No. 16-cv-697-JHP-JFJ

**JOINT MOTION TO AMEND CASE  
MANAGEMENT SCHEDULE  
REGARDING PLAINTIFFS'  
REMAINING CLAIMS**

On January 12, 2018, the Court entered an order setting the case management schedule regarding Plaintiffs' remaining claims. ECF No. 34. Since February 2018, operating under that case management order, the parties and the Court have been addressing disputes related to the administrative record. See ECF Nos. 35, 38, 43, 48-50, 54, 62, 65, 67. As part of those proceedings, the Court authorized Plaintiffs to serve discovery seeking documents that may be appropriate for inclusion in the administrative record. ECF No. 68. Plaintiffs served those discovery requests on August 27, 2018, and Defendants produced responses on October 12 and 18, 2018.

Following discussions with Plaintiffs, Defendants agreed to add certain discovery documents to the administrative record.<sup>2</sup> As a result, the parties appear to have resolved the

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Acting Secretary of the Interior David Bernhardt is substituted as a defendant for Ryan Zinke, who resigned effective January 2, 2019.

<sup>2</sup> Defendants agreed to add the following documents produced in discovery: BIA-BLM000004 through 000421, BIA-BLM000426 through 000430, BIA-BLM000474 through 000479, BIA-

disputes over the administrative record and are ready to proceed with merits briefing. The parties jointly move to amend the case management schedule because conflicts with some of the deadlines in the previous scheduling order have arisen since the Court set that schedule in January 2018. In addition, the proposed dates will establish specific deadlines necessary for merits briefing in this case.

## I. PROPOSED AMENDED SCHEDULE

The parties propose the following case management schedule for Plaintiffs' remaining claims.

### Deadline for Completing the Administrative Record:

Defendants will add to the administrative record the discovery documents agreed upon by the parties, and any other documents responsive to Plaintiffs' discovery requests that are located by Defendants (see n. 2, supra), on or before **March 20, 2019**.

### Plaintiffs' Opening Merits Brief:

Plaintiffs' opening merits brief will be filed on or before **May 30, 2019**.

### Defendants' Response Brief on Merits:

Defendants' response brief is due **60 days** after service of Plaintiffs' opening merits brief, on or before **July 29, 2019**.

### Plaintiffs' Reply on Merits:

Plaintiffs' reply in support of their opening merits brief is due **30 days** after service of Defendants' response brief, on or before **August 28, 2019**.

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BLM000482 through 000491, BIA-BLM000513 through 000567, and BIA-BLM000654 through 001029. In addition, Defendants indicated that they were continuing to search for a handful of additional documents and would produce them if located.

Deadline to Amend Complaint or Add Parties:

Any requests to amend the complaint or add parties will be filed prior to Plaintiffs' opening merits brief.

**II. CONCLUSION**

The parties respectfully request that the Court enter the proposed amended schedule to address Plaintiffs' remaining claims.

Respectfully submitted this 7th day of March 2019.

/s/ Michael S. Freeman  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 7th day of March 2019, I filed the foregoing **JOINT MOTION TO AMEND CASE MANAGEMENT SCHEDULE REGARDING PLAINTIFFS' REMAINING CLAIMS** using the United States District Court CM/ECF which caused all counsel of record to be served by electronically.

/s/ Michael S. Freeman

Michael S. Freeman  
*Attorney for Plaintiffs*